

Appl. 10/541,685
Response to Restriction Requirement
Reply to Office Action of 07/28/2008

I. REMARKS

Claims 1-27 and Claim 51 are pending in the Application. New Claim 52 is added herein. New Claim 52 is fully supported by the specification in general and specifically by the specification at paragraphs: [0056], [0057], [0058], and [0059] as well as by Table 9A, Table 10A, and Table 11.

In the previous Action dated March 4, 2008, Examiner required restriction between the following groups of claims:

Group I: Claims 1-27 drawn to a microemulsion;

Group II: Claims 28-37 drawn to a method of making a microemulsion;

Group III: Claims 38-42 drawn to a post-emergent herbicide;

Group IV43-45 and 48 and 50 drawn to a method of applying a post-emergent herbicide;
and

Group V: Claims 46 -47 and 49 drawn to a method of applying an insecticide or fungicide.

In response, Applicants elected the claims of Group I without traverse.

Examiner also required Applicants to elect a single species to which the claims will be restricted if no generic claim is finally held allowable. Applicants elected the species covered by Claim 51.

By Action dated July 28, 2008, Examiner indicated that the election of species in the Response dated April 28, 2008, although *bona fide*, was insufficient because Applicants elected multiple species for the polar solvent and amphiphilic material. Applicants were given an additional 1-month to correct the defect in the election of species.

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In response to Examiner's Action, Applicants hereby elect new Claim 52 as the single species. New Claim 52 reads as follows:

The microemulsion of claim 1 wherein said oil component is methyl oleate; wherein said polar solvent is monoethanolamine; wherein said amphiphilic material is N, N-(dihydroxyethyl) oleylamine; and wherein said solubilized polar compound is N-(phosphonomethyl) glycine.

The following Table lists the claims readable on the elected species.

Claims Readable on Elected Species	Claims Readable on Elected Species
1	20
2	21
4	22
12	24
17	27
18	51

II. CONCLUSION

In light of the amendments and remarks made herein, it is respectfully submitted that the claims are in condition for examination. Applicants encourage Examiner to contact their representative, Patricia A. Coburn at (614) 766-9136 or pcoburn@columbus.rr.com if Examiner has any questions regarding this Response.

Respectfully submitted,

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Date: July 31, 2008

Reg. No. 28,594